

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and Energy on its own Motion into the Appropriate Pricing, based upon Total Element Long-Run Incremental Costs, for Unbundled Network Elements and Combinations of Unbundled Network Elements, and the Appropriate Avoided Cost Discount for Verizon New England, Inc. d/b/a Verizon Massachusetts' Resale Services in the Commonwealth of Massachusetts

D.T.E. 01-20

Part A (UNE Rates)

**AT&T'S RESPONSE TO VERIZON'S MARCH 28, 2003 REPLY COMMENTS**

AT&T Communications of New England, Inc. (AT&T) requests that the Department add three provisions to Part B, Section 2.1.1.B of DTE MA No. 17, in addition to Verizon's proposed tariff language on the description of unbundled interoffice (IOF) transport. AT&T proposes the addition of language to Part B, Section 2.1.1.B to ensure that CLECs may lease the transport facilities specified in the Federal Communication Commission (FCC) definition of unbundled dedicated transport. AT&T also requests that the Department require Verizon to include a clarification to Part C, Section 1.5.1.2 of DTE MA No. 17.

**I. THE DEPARTMENT SHOULD REQUIRE VERIZON TO MODIFY ITS DESCRIPTION OF IOF TRANSPORT TO CONFORM TO THE FCC'S DEFINITION OF IOF TRANSPORT.**

In its Comments on Verizon's Compliance filing, RCN-BecoCom LLC (RCN) requested that the Department require Verizon to broaden its description of unbundled dedicated IOF transport so that CLECs are not prevented from ordering transport out of DTE MA No. 17 when (1) they do not collocate at a Verizon central office or (2) they do not have a switch located at the end of the transport facility. Verizon admits that "the three circumstances [in which a CLEC

may order unbundled dedicated transport] listed in Part B, Section 2.1.1.B of the DTE MA No. 17 Compliance tariff may be overly restrictive.” *Reply Comments of Verizon-MA*, at 36. In recognition that the tariff definition of dedicated transport was too limited, Verizon proposes to add the following scenario to the list of circumstances under which a CLEC may order dedicated transport as a UNE:

4. A CLEC designated central office premises or collocation arrangement and a Telephone Company central office switch when used solely as an interconnection transport facility under a Meet Point A or B Reciprocal Traffic Exchange Trunk arrangement, as defined in Part C Section 1.

This proposed language, however, fails to include as a description of unbundled dedicated transport the facility a CLEC may lease between a Verizon tandem switch to which a CLEC brings traffic via its own facilities and a Verizon central office switch. In this circumstance, the CLEC has neither a collocation arrangement nor a switch at either end of the transport facility. Rather, the CLEC is ordering dedicated transport between two Verizon switches. This type of transport facility falls within the FCC’s definition of “dedicated transport:”

Dedicated transport, defined as incumbent LEC transmission facilities...that provide telecommunications between wire centers owned by incumbent LECs or requesting telecommunications carriers, or between switches owned by incumbent LECs or requesting telecommunications carriers...

47 CFR § 51.319(d)(1) (emphasis added).

The FCC’s *Local Competition Order* defines unbundled access to dedicated transmission facilities to include “at a minimum:” “interoffice facilities between end offices and serving wire centers(SWCs), SWCs and IXC POPs, tandem switches and SWCs, end offices or tandems of the incumbent LEC, and the wire centers of incumbent LECs and requesting carriers.” *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of*

1996, CC Docket 96-98, First Report and Order, No. FCC 96-325 (Released August 8, 1996), ¶ 440. The FCC adopted this broad definition of dedicated transport because “entry will be facilitated if competitors have greater, not fewer, options for procuring interoffice facilities as part of their local networks, and that Congress intended for competitors to have these options available from competitors.” *Id.*, ¶ 441.

The Verizon proposed tariff provision fails to include these other types of transport specifically contemplated by the FCC’s definition of dedicated transport, namely the transmission facility between ILEC wire centers and the transmission facility between ILEC switches.

AT&T, therefore, requests that the Department require Verizon to add the following descriptions of unbundled IOF transport to Part B, Section 2.1.1.B:

5. A Telephone Company tandem switch to which the CLEC brings traffic via its own facilities and a Telephone Company central office switch.
6. Telephone Company wire centers.
7. Telephone Company switches.

These additional provisions will ensure that a CLEC may order, as a UNE, dedicated transport between switches and between wire centers owned by Verizon, as specifically authorized by 47 CFR 51.319(d)(1) and the FCC’s *Local Competition Order*.

## **II. THE DEPARTMENT SHOULD CLARIFY THE DEFINITION OF TRANSPORT FOR PURPOSES OF INTERCONNECTION.**

The same concern with Verizon’s “overly restrictive” definition of transport arises not only in the description of unbundled IOF transport, but also in Verizon’s description of transport for purposes of interconnection, found at Part C, Section 1.5.1.2 of DTE MA No. 17. The CLEC end of the transport facility for purposes of interconnection should not be limited to a CLEC

owned premises with a switch, but should also include, at a minimum: (1) a location in a building where a CLEC is leasing space to house a switch, and (2) a collocation arrangement.

For that reason, AT&T requests that the Department insert the following clarifying parenthetical in Part C, Section 1.5.1.2:

**Transport** will be provided by the Telephone Company from the CLEC's premises (a CLEC's premise may include, but may not be limited to, a CLEC owned or leased location, as well as a CLEC's collocation space) to the Telephone Company end office (meet points A and C) or access tandem (meet point B) under the terms and conditions of the applicable Telephone Company tariff.

### **Conclusion.**

AT&T respectfully requests that the Department make the above-described changes to Verizon's proposed provisions for DTE MA No. 17.

Respectfully submitted,

---

Jeffrey F. Jones  
Kenneth W. Salinger  
Laurie S. Gill  
John T. Bennett  
Katherine A. Davenport  
PALMER & DODGE LLP  
111 Huntington Avenue  
Boston, MA 02199-7613  
(617) 239-0100

Jay E. Gruber  
AT&T Communications of New England, Inc.  
99 Bedford Street  
Boston, MA 02111  
(617) 574-3149

April 4, 2003